

REMARKS

Claims 1-4, 7, 8, 12, 13, 17-21, and 25-33 are pending in the present application.

The Office Action rejected claims 1-4, 7, 29, 30, 32 and 33 under U.S.C. § 103(a) as being unpatentable over Padovani *et al.* (U.S. Patent No. 6,151,502), hereinafter referred to as Padovani, in view of Yi (U.S. Patent No. 6,094,427).

Applicants herein submit that the present application (Serial No. 10/020,036) and Padovani (U.S. Patent No. 6,151,502) were, at the time the invention of the present application was made, owned by or subject to an obligation of assignment to the same entity, Qualcomm Incorporated. Furthermore, Padovani was published after the priority date of the present application and qualifies as a potential 35 USC 102(e) reference. Thus, Padovani should not preclude patentability of the present application under 35 USC 103(c).

Applicants respectfully request that Padovani be disqualified as a reference against the present application for a rejection under 35 U.S.C. § 103(a) and reconsideration of the application in light of the statement above.

Allowable Subject Matter

In the Office Action, claim 8 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 12-13, 17-21, 25-28, and 31 were allowed. Applicants thank the Examiner for the indication of allowable subject matter.



PATENT

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: 05/04/2006

By: _____

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